

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BERNARD HAMILTON,

Plaintiff,

v.

OFFICER ADAMIK; SERGEANT WHITSON;  
SERGEANT T. LEE; J. NUNEZ; R.  
LEE, Medical Technical Assistant;  
DR. WILLIAMS; DONALD A. CALVO; L.  
SHAEFFER; W. JEPPESON; JILL A.  
BROWN; N. GRANNIS; NURSE BARKLEY;  
and G. FULLER,

Defendants.

No. C 06-6268 CW (PR)

ORDER ADOPTING  
MAGISTRATE JUDGE'S  
REPORT AND  
RECOMMENDATION RE  
MOTION TO ENFORCE  
SETTLEMENT AND MOTION  
TO DISMISS LITIGATION

(Docket nos. 182, 204)

United States District Court  
For the Northern District of California

The Court has reviewed Magistrate Judge Vadas's Report and Recommendation Re Motion to Enforce Settlement and Motion to Dismiss Litigation, as well as objections to the report. The Court finds the Report correct, well-reasoned and thorough. In particular, the Court concurs with Magistrate Judge Vadas's assessment that "although there is no doubt that Plaintiff entered into the 2008 settlement to end the ice dispute and obtain a laptop computer, the settlement agreement does not include the provision of these items as terms of the settlement." Report at 5:28-6:2. The Court therefore adopts the Report and Recommendation in full, including Magistrate Judge Vadas's "regretful[]" conclusion that the Court lacks the power to order Defendants to provide a laptop and ice to Plaintiff under the terms of the Notice of Settlement. Report at 6:7-9.

Accordingly, IT IS HEREBY ORDERED that the motion to enforce settlement and motion to dismiss litigation is GRANTED. It is

1 further ordered that Plaintiff's request for injunctive relief is  
2 DENIED. If Plaintiff is of the belief that he has a serious  
3 medical need that requires he be provided with a laptop and ice,  
4 he is not precluded by this Order from filing a new and separate  
5 lawsuit raising such claims.

6 This Order terminates Docket nos. 182 and 204.

7 IT IS SO ORDERED.

8  
9 Dated: 11/6/2012

  
CLAUDIA WILKEN  
United States District Judge

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United States District Court  
For the Northern District of California